

Adopted	Rejected
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COMMITTEE REPORT

YES:	7
NO:	4

MR. SPEAKER:

*Your Committee on **Public Health**, to which was referred **House Bill 1737**, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

- 1 Page 1, line 11, after "professional midwife," delete "a".
- 2 Page 1, line 12, delete "licensed midwife apprentice,".
- 3 Page 3, line 1, delete "a licensed certified professional".
- 4 Page 3, line 2, delete "midwife (as defined in IC 25-23.2-1-6),".
- 5 Page 3, line 2, reset in roman "or".
- 6 Page 3, line 3, delete ", or a licensed midwife".
- 7 Page 3, line 4, delete "apprentice (as defined in IC 25-23.2-1-7)".
- 8 Page 3, line 38, delete ", a".
- 9 Page 3, line 39, delete "licensed midwife apprentice,".
- 10 Page 4, line 7, after "professional midwife," delete "licensed".
- 11 Page 4, line 8, delete "midwife apprentice,".
- 12 Page 4, line 14, delete "licensed midwife apprentices,".
- 13 Page 7, delete lines 24 through 31.
- 14 Page 7, line 32, reset in roman "(I)".
- 15 Page 7, line 32, delete "(J)".

- 1 Page 7, line 33, reset in roman "(J)".
- 2 Page 7, line 33, delete "(K)".
- 3 Page 7, line 34, reset in roman "(K)".
- 4 Page 7, line 34, delete "(L)".
- 5 Page 7, line 35, reset in roman "(L)".
- 6 Page 7, line 35, delete "(M)".
- 7 Page 7, line 36, reset in roman "(M)".
- 8 Page 7, line 36, delete "(N)".
- 9 Page 10, delete lines 9 through 10.
- 10 Page 10, line 11, delete "8" and insert "7".
- 11 Page 10, line 15, delete "9" and insert "8".
- 12 Page 10, line 27, delete "practitioner or pediatrician" and insert
- 13 **"practitioner, a pediatrician, or an obstetrician".**
- 14 Page 10, line 35, after "appointed." insert **"Any vacancy occurring**
- 15 **in the membership of the board for any cause shall be filled by**
- 16 **appointment by the governor for the unexpired term."**
- 17 Page 11, delete lines 4 through 11.
- 18 Page 11, line 12, delete "(2) Establish the CPM credential as a
- 19 basis" and insert **"(1) Establish as a requirement".**
- 20 Page 11, line 12, after "licensure" insert **"the certified professional**
- 21 **midwife (CPM) credential developed by the North American**
- 22 **Registry of Midwives or a successor organization".**
- 23 Page 11, line 13, delete "(3)" and insert "(2)".
- 24 Page 11, line 13, delete "examination and".
- 25 Page 11, line 15, delete "(4)" and insert **"(3)".**
- 26 Page 11, line 17, delete "(5) Oversee the" and insert **"(4) Develop**
- 27 **a".**
- 28 Page 11, line 17, delete "as" and insert **", using as guidelines the**
- 29 **peer review procedures".**
- 30 Page 11, line 22, delete "(6)" and insert **"(5)".**
- 31 Page 11, delete line 23, begin a new line block indented and insert:
- 32 **"(6) Research the availability of liability insurance for**
- 33 **licensed certified professional midwives and when the board**
- 34 **determines that liability insurance is sufficiently available,**
- 35 **require the purchase of liability insurance as a condition for**
- 36 **licensure.**
- 37 **(7) Adopt under IC 4-22-2 rules that define the scope of**
- 38 **practice for licensed certified professional midwives. Rules**

1 **adopted under this subdivision must limit the practice of**
 2 **licensed certified professional midwives to non-hospital**
 3 **settings."**

4 Page 12, between lines 4 and 5, begin a new line block indented and
 5 insert:

6 **"(7) Present additional documentation or certifications**
 7 **required by the board."**

8 Page 12, delete lines 10 through 27, begin a new paragraph and
 9 insert:

10 **"Sec. 4. (a) A license issued under this chapter expires three (3)**
 11 **years after the date of issuance. Failure to renew a license on or**
 12 **before the expiration date will automatically render the license**
 13 **invalid without any action by the board.**

14 **(b) The procedures and fees for renewal shall be set by the**
 15 **board."**

16 Page 14, line 30, after "that" insert "**under IC 25-23.2-6**".

17 Page 14, line 33, delete "or an".

18 Page 14, line 34, delete "individual who holds an apprentice
 19 license".

20 Page 15, line 23, delete "provided by" and insert "**established by**
 21 **the board)**".

22 Page 15, delete line 24.

23 Page 15, line 25, delete "organization)".

24 Page 15, between lines 40 and 41, begin a new paragraph and insert:

25 **"Chapter 6. Immunity of Health Care Providers Rendering**
 26 **Care in an Emergency**

27 **Sec. 1. Except as provided in section 2 of this chapter, a health**
 28 **care provider (as defined in IC 34-18-2-14 or IC 27-12-2-14 before**
 29 **its repeal) who renders care in an emergency to a woman who is**
 30 **under the care of a licensed certified professional midwife is**
 31 **immune from civil liability resulting from any act or omission**
 32 **relating to the health care provider's provision of care.**

33 **Sec. 2. A health care provider described in section 1 of this**
 34 **chapter is not immune from civil liability if the damages resulting**
 35 **from the provision of care resulted from the health care provider's:**

36 **(1) gross negligence; or**

37 **(2) willful or wanton acts or omissions.**

38 **Chapter 7. Immunity of Employees, Students, Interns, Trainees,**

1 **and Apprentices**

2 **Sec. 1. This chapter applies to:**

3 (1) **an employee of a licensed certified professional midwife;**

4 **or**

5 **(2) a student, an intern, a trainee, or an apprentice who is:**

6 **(A) pursuing a course of study to gain licensure under this**
 7 **article; or**

8 **(B) accumulating the experience required for licensure**
 9 **under this article;**

10 **under the supervision of a licensed certified professional**
 11 **midwife.**

12 **Sec. 2. Except as provided in section 3 of this chapter, a person**
 13 **described in section 1 of this chapter is immune from civil liability**
 14 **resulting from any act or omission relating to services the person**
 15 **provides to a woman who is under the care of the employing or**
 16 **supervising licensed certified professional midwife, if the services**
 17 **are performed under the direction and supervision of the**
 18 **employing or supervising licensed certified professional midwife.**

19 **Sec. 3. A person described in section 1 of this chapter is not**
 20 **immune from civil liability if the damages resulting from the**
 21 **provision of care resulted from the person's:**

22 **(1) gross negligence; or**

23 **(2) willful or wanton acts or omissions."**

24 Page 15, line 41, delete "6" and insert "8".

25 Page 16, line 24, delete "licensed midwife apprentice,".

26 Page 17, between lines 12 and 13, begin a new paragraph and insert:

27 "SECTION 15. IC 34-30-2-99.5 IS ADDED TO THE INDIANA
 28 CODE AS A NEW SECTION TO READ AS FOLLOWS
 29 [EFFECTIVE JULY 1, 1999]: **Sec. 99.5. IC 25-23.2-6 (Concerning a**
 30 **health care provider who renders care in an emergency to a**
 31 **woman under the care of a licensed certified professional midwife).**

32 SECTION 16. IC 34-30-2-99.6 IS ADDED TO THE INDIANA
 33 CODE AS A NEW SECTION TO READ AS FOLLOWS
 34 [EFFECTIVE JULY 1, 1999]: **Sec. 99.6. IC 25-23.2-7 (Concerning an**
 35 **employee, a student, an intern, a trainee, or an apprentice who**
 36 **provides services under the direction or supervision of a licensed**
 37 **certified professional midwife)."**

38 Page 17, delete lines 15 through 24, begin a new paragraph and

1 insert:

2 "SECTION 18. [EFFECTIVE UPON PASSAGE] (a) As used in
3 this SECTION, "board" refers to the Indiana midwifery board
4 established under IC 25-23.2-2-1, as added by this act.

5 (b) Notwithstanding IC 25-23.2-2-2, as added by this act, a
6 member of the board who is appointed under IC 25-23.2-2-2(1), as
7 added by this act, is not required to be licensed under IC 25-23.2,
8 as added by this act.

9 (c) Notwithstanding IC 25-23.2-2-2, as added by this act, the
10 governor shall appoint the initial members of the board before July
11 1, 1999, for terms expiring as follows:

12 (1) Two (2) members appointed under IC 25-23.2-2-2(1), as
13 added by this act, and one (1) member appointed under
14 IC 25-23.2-2-2(2), as added by this act, for a term expiring
15 June 30, 2003.

16 (2) One (1) member appointed under IC 25-23.2-2-2(1), as
17 added by this act, and one (1) member appointed under
18 IC 25-23.2-2-2(3), as added by this act, for a term expiring
19 June 30, 2002.

20 (3) One (1) member appointed under IC 25-23.2-2-2(1), as
21 added by this act, and one (1) member appointed under
22 IC 25-23.2-2-2(4), as added by this act, for a term expiring
23 June 30, 2001.

24 (d) This SECTION expires July 1, 2003.

25 SECTION 19. [EFFECTIVE JULY 1, 1999] (a) As used in this
26 SECTION, "office" refers to the office of Medicaid policy and
27 planning established by IC 12-8-6-1.

28 (b) The office shall provide Medicaid reimbursement to a
29 certified professional midwife who holds a license under
30 IC 25-23.2, as added by this act, for services rendered by the
31 licensed certified professional midwife that the licensed certified
32 professional midwife is authorized to perform under the law.

33 (c) Before July 1, 2000, the office shall seek a waiver from the
34 United States Department of Health and Human Services to allow
35 Medicaid reimbursement for a certified professional midwife who
36 holds a license under IC 25-23.2, as added by this act, for services
37 rendered by the licensed certified professional midwife that the
38 licensed certified professional midwife is authorized to perform

1 under the law.

2 (d) Notwithstanding subsection (b), the office may not provide
3 Medicaid reimbursement for the services provided by a licensed
4 certified professional midwife, as described in subsection (c), until:

5 (1) the waiver described in subsection (c) has been approved;

6 or

7 (2) a waiver is not required under federal law.

8 (e) Not later than five (5) days after receiving notice of approval
9 of the waiver requested under subsection (c), the office shall file an
10 affidavit with the governor's office and the budget committee
11 attesting to the fact that the waiver has been approved.

12 (f) The office shall implement subsection (b) not later than
13 ninety (90) days after the governor's office and the budget
14 committee receive the affidavit described in subsection (e).

15 (g) This SECTION expires July 1, 2001."

16 Page 17, after line 34, begin a new paragraph and insert:

17 "SECTION 20. An emergency is declared for this act."

18 Renumber all SECTIONS consecutively.

(Reference is to HB 1737 as introduced.)

and when so amended that said bill do pass.

Representative Brown C